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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

MICHAEL F. RAMSEY,

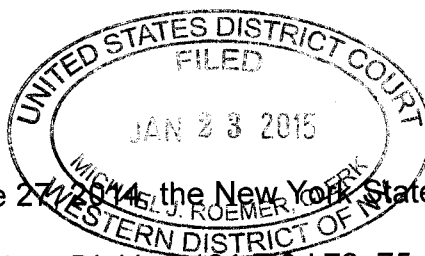
Plaintiff,

-v-

BRIAN FISCHER, et al.,

Defendants.

DECISION AND ORDER
14-CV-0147A



Pursuant to an Order of the Court, filed June 27, 2014, the New York State Attorney General's Office was requested, pursuant to *Valentin v. Dinkins*, 121 F.3d 72, 75 (1997), to attempt to ascertain the identities of defendants John Doe #1, #2, and #3 named in the *pro se* complaint. (Docket No. 3.) The Attorney General's Office submitted a response that identified 34 correctional officers who worked on C-Block, 31-32 Company, on the dates alleged in the complaint (Docket No. 4) and, based on said response, the Court directed plaintiff to review the names provided and identify which of the correctional officers identified were the three John Doe Defendants he intended to name in the complaint. (Docket No. 5.) Plaintiff was also advised that if he could not identify the defendants from the list of names provided, he would be granted permission to seek, through discovery after the defendants named in the complaint were served with the summons and complaint and had filed an answer to the complaint, the names of the John Doe Defendants.

Plaintiff responded to the Order and stated that John Doe #1 was Correctional Officer G. Pritchard, but that he could not identify John Doe #2 (SHU Sergeant) and John Doe #3 ("other C-31/32 Company Officer") without the SHU Log Book/Admission Records and C-Block Log Book Records. (Docket No. 6.) Plaintiff is advised that he can request said records

in discovery in this matter, see Fed.R.Civ.P. 26, 33-34, and that when he identifies defendants John Doe #2 and #3, he can file a motion with the Court requesting that the caption be amended and that said defendants be served with the summons and complaint. Accordingly,

IT IS HEREBY ORDERED that the Clerk of the Court is directed to both amend the official caption of this action to reflect that John Doe #1 is "G. Pritchard, Correctional Officer," and cause the United States Marshals Service to serve the Summons, Complaint and this Order upon G. Pritchard, Correctional Officer, at the Attica Correctional Facility, without plaintiff's payment therefor, unpaid fees to be recoverable if this action terminates by monetary award in plaintiff's favor;¹


FURTHER, that pursuant to 42 U.S.C. § 1997e(g)(2), defendant Pritchard is directed to answer the complaint;

FURTHER, that plaintiff is granted permission to seek, through discovery after the defendants named in the complaint are served with the summons and complaint and have filed an answer to the complaint, the names of defendants John Doe #2 and #3; and

FURTHER, that the Clerk of the Court is also directed to forward a copy of this Order by email to Michael Russo, Assistant Attorney General in Charge, Buffalo Regional Office <Michael.Russo@ag.ny.gov>.

SO ORDERED.

Dated: JAN. 21, 2015
Rochester, New York



CHARLES J. SIRAGUSA
United States District Judge

¹Pursuant to a Standing Order of Court, filed September 28, 2012, a defendant will have 60 days to file and serve an answer or other responsive pleading, see Fed.R.Civ.P. 12(a)-(b), if the defendant and/or the defendant's agent has returned an Acknowledgment of Receipt of Service by Mail Form within 30 days of receipt of the summons and complaint by mail pursuant to N.Y.C.P.L.R. § 312-a.